

**TOWN OF SULLIVAN  
ZONING BOARD OF APPEALS  
MARCH 10, 2022  
7:00 P.M.**

A regular meeting of the Zoning Board of Appeals of the Town of Sullivan was convened at the Town Office Building by Chairman Steve Durfee at 7:00 P.M.

Those in attendance for the meeting were: Chairman Steve Durfee, Members Terry Manning, Bryan Bendixen, Clifford Reals, Michael Keville and Attorney for the Board Stacy Marris.

Also present: Larry Ball, Building/Codes Inspector

Chairman Steve Durfee stated the only thing on the agenda is the fence at 1441 Route 31 that was constructed 4 to 5 inches closer to the property line and 4 inches more in height than allowed in the Zoning Law of the Town of Sullivan. The Public Hearing was closed and the decision was tabled at the February 10, 2022 Zoning Board meeting. The two members of the Board that were not present may have some questions.

**PUBLIC HEARING**

**NEW BUSINESS**

**OLD BUSINESS**

**VICTOR VALENSON: AREA VARIANCE (1441 ROUTE 31, 9.12-1-3) TO ALLOW A SETBACK OF 7/10' OF THE ONE FOOT REQUIRED SETBACK AND TO ALLOW A 52" CHAIN LINK FENCE IN FRONT/SIDE YARD.**

The Applicant's girlfriend, Eileen O'Shaugnessy, again attended on behalf of the Applicant, Victor Valenson.

The Board discussed the survey done by Forrest Sequin, the permit codes and process, and the concerns (see minutes) from the February 10, 2022 meeting.

The Board noted that it had declared itself lead agency, the application to be an Unlisted Action and issued a Negative Declaration for purposes of SEQRA at the February 10, 2022 meeting. The Board jointly reviewed the criteria for the granting of the area variances and determined they would evaluate the height and setback separately:

Height: (1) the Board discussed that no undesirable change would be produced in the character of the neighborhood because there would no sight line issues or traffic concerns and the height request is minimal in nature; (2) the benefit sought could be accomplished via a feasible alternative, but the Board noted this was not a determining factor; (3) the requested relief is only 8.3% and is insubstantial; (4) no environmental impacts were identified; and (5)

the hardship was self-created as the fence was installed without a permit and in violation of the height limitation.

Setback: (1) no undesirable change would occur from the 4" setback difference as such difference is visually imperceptible; (2) the benefit could be achieved by a feasible alternative; i.e. the Applicant could move the fence back and there is sufficient space to do so; (3) the requests are substantial – approximately 30% and 20% depending on the location of the fence, but the Board noted this was not a determining factor; (4) no environmental issues were identified; (5) the hardship was self-created as the fence was installed without a permit and in violation of the setback requirement.

Height: Member Bendixen made motion, seconded by Member Manning, and approved by a vote of 5 to 0 to allow a 52 inch chain link fence on the South East front/side of property. The Board granted 4 inches of relief for a fence from the requirements of the Zoning Law of The Town of Sullivan.

Setback: Motion was made by Member Bendixen, seconded by Member Reals and approved by a vote of 3 to 2 granting 4 inches of relief from the property line setback requirements for the fence to be 8.4 inches from the South East front/side property line.

## **APPROVAL OF MINUTES**

A motion was duly made by Member Manning, seconded by Member Bendixen and unanimously passed by the Board approving the minutes of February 10, 2022.

## **ADJOURNMENT**

A motion was duly made by Member Keville, seconded by Member Bendixen and unanimously passed to adjourn the meeting at 7:55 P.M.

**Respectfully Submitted**  
**Jeri Rowlingson, Secretary**